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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RUBEN FIGUEROA,

Plaintiff,

v.

K. CLARK, et al.,

Defendants.

Case No. 1:20-cv-01254-SKO (PC)

**FINDINGS AND RECOMMENDATIONS  
TO DISMISS DEFENDANTS AND  
CLAIMS**

14-DAY DEADLINE

Clerk of the Court to Assign a District Judge

On June 11, 2021, the Court screened Plaintiff's complaint and found that it states cognizable claims of deliberate indifference to health or safety against Defendants Ramirez, Navarro, and Phi, but that its remaining claims are not cognizable. (Doc. 8.) The Court therefore directed Plaintiff to file a first amended complaint curing the deficiencies in his pleading or to notify the Court that he wishes to proceed only on the claims found cognizable. (*Id.* at 9.)

On July 2, 2021, Plaintiff filed a notice "of his desire to proceed only on the claims found cognizable." (Doc. 11.) Accordingly, and for the reasons set forth in the Court's screening order (Doc. 8), the Court RECOMMENDS that:

1. The defendants in this action be DISMISSED, except for Defendants Ramirez, Navarro, and Phi; and,
2. The claims in Plaintiff's complaint be DISMISSED, except for its claims of deliberate indifference to health or safety against Defendants Ramirez, Navarro, and Phi,

1                   pursuant to 42 U.S.C. § 1983.

2       The Court DIRECTS the Clerk of the Court to assign a district judge to this action.

3           These Findings and Recommendations will be submitted to the United States District  
4       Judge assigned to this case, pursuant to 28 U.S.C. § 636(b)(1). Within 14 days of the date of  
5       service of these Findings and Recommendations, Plaintiff may file written objections with the  
6       Court. The document should be captioned, “Objections to Magistrate Judge’s Findings and  
7       Recommendations.” Failure to file objections within the specified time may result in waiver of  
8       rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v.*  
9       *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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11       IT IS SO ORDERED.

12       Dated: July 6, 2021

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE